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Debargha Mukherjee

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INTELLECTUAL PROPERTY ADMINISTRATION  
FORT COLLINS, CO 80527-2400

EXAMINER

TIV, BACKHEAN

ART UNIT

PAPER NUMBER

2451

NOTIFICATION DATE

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ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/699,444	<b>Applicant(s)</b> MUKHERJEE ET AL.	
	<b>Examiner</b> BACKHEAN TIV	<b>Art Unit</b> 2451	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 35-50 is/are pending in the application.
- 4a) Of the above claim(s) 10-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 35-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Detailed Action***

Claims 1-9, 35-50 are pending in this application. Claims 10-34 have been cancelled.

Claims 35-50 are newly added claims. This is a response to the Remarks filed on 3/17/09. This action is made **FINAL**.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9, 35-41,45-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,490,627 issued to Kalra et al.(Kalra) in view of US Patent 5,928,330 issued to Goetz et al.(Goetz) in further view of US Publication 2004/0070786 issued to Molteno.

As per claims 1 Karla teaches a communications method in an interactive session comprising: organizing the scalable media data into a plurality of subparts(Fig.2A, col.5, lines 4-23); wherein at least two of the participants support different levels of scalability for the media data(Abstract, col.2, lines 8-13, 28-44); and communicating the subparts at the retrieved levels of scalability to respective ones of the participants(col.2, lines 28-44).

Karla does not explicitly teach arranging scalable media data into data structures formatted in accordance with a content independent indexable data structure format including one or more fields indicating a level of scalability; organizing the arranged scalable media data in a bit stream in which a plurality of levels of scalability of the scalable media data coexist; receiving a plurality of data requests from a plurality of participants requesting different ones of the subparts during user interaction with the media data, retrieving from the bit stream using the format of the content independent indexable data structures respective ones of the requested subparts at levels of scalability corresponding to receiving attributes of the respective participants.

Goetz arranging scalable media data into data structures formatted in accordance with a content independent indexable data structure format including one or more fields indicating a level of scalability(col.4, lines 56-col.5, line 25, col.7, lines 40-45); organizing the arranged scalable media data in a bit stream in which a plurality of levels of scalability of the scalable media data coexist(col.4, lines 56-col.5, line 25, col.7, lines 40-45); retrieving from the bit stream using the format of the content independent indexable data structures respective ones of the requested subparts at levels of scalability corresponding to receiving attributes of the respective participants(col.4, lines 56-col.5, line 25, col.7, lines 40-45).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Kalra to include arranging scalable media data into data structures formatted in accordance with a content independent indexable data structure format including one or more fields indicating a level of scalability; organizing

the arranged scalable media data in a bit stream in which a plurality of levels of scalability of the scalable media data coexist; retrieving from the bit stream using the format of the content independent indexable data structures respective ones of the requested subparts at levels of scalability corresponding to receiving attributes of the respective participants as taught by Goetz in order to easily manage and control of multimedia having various media streams with a specific type, subtype, and encoding rate(Goetz, col.2, lines 56-67).

One ordinary skill in the art would have been motivated to combine the teachings of Kalra and Goetz in order to easily manage and control of multimedia having various media streams with a specific type, subtype, and encoding rate(Goetz, col.2, lines 56-67).

Kalra in view of Goetz however does not explicitly teach receiving a plurality of data requests from a plurality of participants requesting different ones of the subparts during user interaction with the media data.

Molteno teaches providing a plurality of data requests from a plurality of participants requesting different ones of the subparts during user interaction with the media data(Abstract, para.0013).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Kalra in view of Goetz to include providing media during user interaction with media as taught by Molteno in order to improve performance of communication of media based the preferences of the users or communication link(Molteno, para.006).

One ordinary skill in the art would have been motivated to combine the teachings of Kalra, Goetz and Molteno in order to improve performance of communication of media based the preferences of the users or communication link(Molteno, para.006).

As per claim 2, the method of claim 1 further comprising accessing random subparts corresponding to the data requests, and wherein the scaling comprising scaling the accessed subparts(Molteno, para.0013). Motivation to combine set forth in claim 1.

As per claim 3, the method of claim 1 wherein the receiving attributes relate to unique parameters of the participants with respect to at least one communications bandwidth, display resolution, and processing capacity(Kalra, Abstract, Molteno, para.0006). Motivation to combine set forth in claim 1.

As per claim 4, the method of claim 1 further comprising performing transcoding operations without decoding the media data(Goetz, col.4, lines 56-col.5, lines 25, col.7, lines 40-45). Motivation to combine set forth in claim 1.

As per claim 5, wherein the initial one of the subparts corresponds to an initial visual image to be depicted by the participants, and the forwarding of the initial one of the subparts comprises forwarding a plurality of data streams of different amounts of data corresponding to the receiving attributes of the respective participants(Kalra, Abstract, Fig.16A2-A3, col.2, lines 28-43, Molteno, para. 0006,0015). Motivation to combine set forth in claim 1.

As per claim 6, the method of claim 5 further comprising depicting the initial visual image at a plurality of different resolutions using the participants and responsive

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to the data streams comprising different amounts of data(Kalra, Abstract, Fig.16A2-A3, col.2, lines 28-43, Molteno, para. 0006,0015). Motivation to combine set forth in claim 1.

As per claims 7, further comprising depicting visual images of the media data using the participants, wherein the initial one of the subparts comprises an initial visual image, and the data requests correspond to interactive commands generated by the participants requesting additional views of the initial visual image(Molteno, para.0006, 0013,0015). Motivation to combine set forth in claim 1.

As per claims 8, the method of claim 1 further comprising: performing transcoding operation without knowledge of the data content(Goetz, col.4, lines 56-col.5, lines 25, col.7, lines 40-45). Motivation to combine set forth in claim 1.

As per claims 9, the method of claim 1 further comprising performing transcoding operations without decrypting the media data(Goetz, col.4, lines 56-col.5, lines 25, col.7, lines 40-45). Motivation to combine set forth in claim 1.

As per claim 35, Kalra teaches a communications session organizer(Abstract) comprising: an interface configured to communicatively couple with a plurality of participants during an interactive media communications session(Abstract); and processing circuitry coupled with the interface and configured to access a plurality of data requests from the participants during the communications session, and to output the scaled media data to respective ones of the participants (Abstract, col.2, lines 8-13, 28-44).

Kalra does not explicitly teach to identify a plurality of subparts of scalable media

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data responsive to the requests, to scale the subparts of the media data according to respective receiving attributes of the participants.

Goetz to scale the subparts of the media data according to respective receiving attributes of the participants (col.4, lines 56-col.5, line 25, col.7, lines 40-45).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Kalra to include to scale the subparts of the media data according to respective receiving attributes of the participants as taught by Goetz in order to easily manage and control of multimedia having various media streams with a specific type, subtype, and encoding rate(Goetz, col.2, lines 56-67).

Kalra in view of Goetz does not explicitly teach to identify a plurality of subparts of scalable media data responsive to the requests.

Molteno teaches to identify a plurality of subparts of scalable media data responsive to the requests(Abstract, para.0013; certain regions of the image data is transmitted first) .

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Kalra in view of Goetz to to identify a plurality of subparts of scalable media data responsive to the requests as taught by Molteno in order to improve performance of communication of media based the preferences of the users or communication link(Molteno, para.006).

One ordinary skill in the art would have been motivated to combine the teachings of Kalra, Goetz and Molteno in order to improve performance of communication of media based the preferences of the users or communication link(Molteno, para.006).



As per claim 36, the organizer of claim 35 further comprising storage circuitry configured to store the scalable media data(Kalra, Fig.1).

As per claim 37, the organizer of claim 35 wherein the processing circuitry is further configured to communicate an initial one of the subparts of scalable media data corresponding to an initial visual image to be depicted by the participants(), and the communicated initial one of the subparts comprises a plurality of data streams of different amounts of data corresponding to the receiving attributes of the respective participants(Kalra, Abstract, Fig.16A2-A3, col.2, lines 28-43, Molteno, para. 0006,0015). Motivation to combine set forth in claim 35.

As per claim 38, the organizer of claim 35 wherein the processing circuitry is further configured to communicate an initial one of the subparts of scalable media data corresponding to an initial visual image to be depicted by the participants, and wherein the data requests correspond to interactive commands generated by the participants requesting additional visual images related to the initial visual image(Molteno, para.0006, 0013,0015). Motivation to combine set forth in claim 35.

As per claim 39, the organizer of claim 35 wherein the processing circuitry is configured to access an index using the data requests to identify the subparts(Goetz, (col.4, lines 56-col.5, line 25, col.7, lines 40-45). Motivation to combine set forth in claim 35.

As per claim 40, the organizer of claim 35 wherein the processing circuitry is configured to receive the receiving attributes from the participants, and further

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comprising storage circuitry configured to store the receiving attributes(Kalra, col.2, lines 27-44)..

As per claim 41, the organizer of claim 35 wherein the processing circuitry is configured to cause the interface to communicate first content of the scalable media data regarding a first portion of a subject at an initial moment in time, and wherein the data requests request second content of the scalable media data regarding a second portion of the subject different than the first portion of the subject at a subsequent moment in time after the initial moment in time(Kalra, Abstract, Fig.16A2-A3, col.2, lines 28-43, Molteno, para. 0006,0015,para.0024). Motivation to combine set forth in claim 35.

As per claim 45, the organizer of claim 35 wherein the processing circuitry is configured to arrange the scalable media data into the subparts in accordance with a content independent index and to use the content independent index to scale the subparts of the media data(Goetz, (col.4, lines 56-col.5, line 25, col.7, lines 40-45). Motivation to combine set forth in claim 35.

As per claims 46-50, do not teach or further define over the limitations in claims 1-9,35-41,45 . Therefore claims 46-50 are rejected for the same reasons set forth above. **NOTE:** As per claim 46, an article of manufacture comprising: processor-usable media, para.0034 of specification, recites processor-usuable media as hardware, e.g. floppy diskette, zip disk, disk drive, etc. therefore deemed to be statutory.

Claims 42,43 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,490,627 issued to Kalra et al.(Kalra) in view of US Patent 5,928,330 issued to Goetz et al.(Goetz) in further view of US Publication 2004/0070786 issued to Molteno in further view of US Publication 2002/0113865 issued to Yano et al.(Yano).

Kalra in view of Goetz in further view of Molteno does not explicitly teach as per claim 42, the organizer of claim 41 wherein the first content is void of data regarding the second portion of the subject.

Yano explicitly teaches wherein the first content is void of data regarding the second portion of the subject(para.0064, Fig.8A and 8B, teaches two images, one with a background and a left image, and one image with a background, left, and right image, therefore teaches a first content void of the second portion).

Taking in to consideration The Supreme Court in KSR International Co. v. Teleflex Inc., 550 U.S. \_\_\_, \_\_\_, 82 USPQ2d 1385, 1395-97 (2007), it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teaching of Kalra in view of Goetz in further view of Molteno to include the feature of having the first content is void of data regarding the second portion of the subject as taught by Yano in order to display different images at different times.

One ordinary skill in the art would have been motivated to combine the teachings of Kalra and Yano in order to display different images at different times.

As per claim 43, the organizer of claim 41 wherein the second portion is a portion of the subject not included in the first portion of the subject(Yano, para.0064, Fig.8A and 8B, teaches two images, one with a background and a left image, and one image with a

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background, left, and right image, therefore teaches a first content void of the second portion). Motivation to combine set forth in claim 42.

Claims 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,490,627 issued to Kalra et al.(Kalra) in view of US Patent 5,928,330 issued to Goetz et al.(Goetz) in further view of US Publication 2004/0070786 issued to Molteno in further view of US Patent 7,281,213 issued to Callegari.

Kalra in view of Goetz in further view of Molteno does not explicitly teach as per claim 44, the organizer of claim 41 wherein the scalable media data comprises image data of an image of the subject, and the first portion comprises a first view of the subject and the second content comprises a second view of the subject different than the first view, and wherein a portion of the subject contained in the second view is not included in the first view.

Callegari explicitly teaches the method of viewing an image from different angles(col.1, lines 40-58).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Kalra in view of Goetz in further view of Molteno to include viewing an image from different angles as taught by Callegari in order to view different aspect of an image, e.g. objects not seen in one view could be seen in a different view.

One ordinary skill in the art would have been motivated to combine the teachings of Kalra, Goetz, Molteno, and Callegari in order to view different aspect of an image, e.g. objects not seen in one view could be seen in a different view.

***Response to Arguments***

Applicant's arguments filed 3/17/09 have been fully considered but they are not persuasive.

The applicant argues in substance,

**a)** there is no motivation to combine Kalra, Goetz, and Molteno,

***In reply to a);*** In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Goetz, col.2, lines 56-67, provides motivation to combine with Kelra in order to easily manage and control of multimedia having various media streams with a specific type, subtype, and encoding rate, and Molteno, para.0006, provides motivation to combine with Kelra in view of Goetz in order to performance of communication of media based the preferences of the users or communication link.

**b)** Kalra in view of Goetz, in view of Molteno, does not teach, "arranging the scalable media into data structures formatted in accordance with content independent

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indexable data structure format" and "retrieving from the bit stream using the format of the content independent indexable data structures respective ones of the requested subparts".

*In reply to b);* Goetz, Abstract, col.9, lines 43-53, col.11, lines 48-67, col.13, lines 1-67, teaches a system where data can be encoded to a predetermined format such as H.263 for video and G.723 for audio. The system of Goetz, also takes into consideration, statistics collected on the network such as, bit rate throughput; network jitter; round-trip when encoding data, e.g. encoding the data for a target transfer rate of 28.8 kb/s or encoded for a target transfer rate of 14.4 kb/s. Therefore Goetz teaches, "a content independent indexable data structure format", since network statistics is used for encoding data, it is independent of the content and dependant on the network.

The interpretation of "content independent indexable data structure format", is consistent with the definition as defined by the applicant's specification, para.0040, " The media data is arranged into a generic format regardless of content of the media data permitting generic transcoding wherein the **transcoding operations are performed without knowledge of the data content** and without decrypting or decoding the media data enabling a single infrastructure (e.g., organizer 12) to deliver the media data according to a plurality of scales in one embodiment".

Therefore, Goetz, teaches "arranging the scalable media into data structures formatted in accordance with content independent indexable data structure format" and "retrieving from the bit stream using the format of the content independent indexable data structures respective ones of the requested subparts" since Goetz teaches encoding with different rates, "arranging the media data in accordance with content independent indexable data structure format", and sending it to the different user with

different rates, "retrieving the bit stream using the format of the content independent indexable data structure".

### ***Conclusion***

**Examiner's Note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Backhean Tiv whose telephone number is (571) 272-5654. The examiner can normally be reached on M-F 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

B. T.  
Backhean Tiv  
Examiner, Art Unit 2451  
7/9/09



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/John Follansbee/

Supervisory Patent Examiner, Art Unit 2451